

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 1:04-CR-88-1
	§	
THOMAS ERIC GILLESPIE	§	

**REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE
RE: DEFENDANT'S MOTION TO SUPPRESS EVIDENCE**

Pending is defendant's motion to suppress evidence and statements. This motion is referred to the undersigned United States magistrate judge for review, hearing if necessary, and submission of a report with recommended findings of fact and conclusions of law. United States v. Raddatz, 447 U.S. 667, 681-84 (1980); see also 28 U.S.C. § 636(b)(1)(B) and Local Rules for the Assignment of Duties to United States Magistrate Judge. Pursuant to that order of reference, the undersigned scheduled an evidentiary hearing for April 26, 2005, to consider defendant's motion.

Prior to the hearing, counsel notified the court that defendant intends to enter into a plea agreement that will result in an unconditional plea of guilty. This case renders the motion moot.

III. RECOMMENDATION

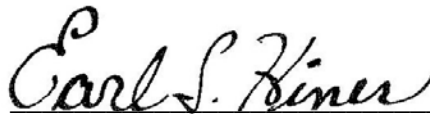
The motion to suppress evidence and statements (Docket No. 54) should be **DENIED** as **MOOT**.

IV. OBJECTIONS

Objections must be: (1) specific, (2) in writing, and (3) served and filed within ten days after being served with a copy of this report. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 1(a), 6(b), and 72(b).

A party's failure to object bars that party from: (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, see Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court, see Douglas v. United Servs. Auto. Ass'n., 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED this 26th day of April, 2005.

A handwritten signature in cursive script, reading "Earl S. Hines", written in black ink.

EARL S. HINES
UNITED STATES MAGISTRATE JUDGE